

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-30046

United States of America

v.

Eduardo Pagan


**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

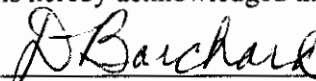
1-52

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 1/25/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 4, 2007.

By  Sarah A. Thornton, Clerk of Court  
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/4/07.

  
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Springfield)  
CRIMINAL DOCKET FOR CASE #: 3:05-cr-30046-GAO-ALL**

Case title: USA v. Pagan

Date Filed: 06/09/2005

Assigned to: Judge George A. O'Toole, Jr

**Defendant**

**Eduardo Pagan (1)**  
*TERMINATED: 01/25/2007*

represented by **Robert H. Astor**  
1441 Main Street - Suite 900  
Springfield, MA 01103  
413-781-1144  
Fax: 413-747-8044  
Email: rhastor@yahoo.com  
*TERMINATED: 02/09/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

POSSESSION WITH THE INTENT TO  
DISTRIBUTE AND DISTRIBUTION OF  
COCAINE BASE, 21:841A=CD.F  
(1s)

**Disposition**

120 months on each of counts 1s-5s, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons' 500 Hour Residential Drug Abuse Program. The court also recommends that the defendant participate in mental health treatment, if available at designated Bureau of Prisons' facility. Defendant is placed on supervised release for a term of 8 years on each of counts 1s-4s, to run concurrently with each other. 3 years on count 5s, to run concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental

POSSESSION WITH THE INTENT TO  
DISTRIBUTE AND DISTRIBUTION OF  
COCAINE HYDROCHLORIDE,  
21:841A=CD.F  
(2s)

health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived.

120 months on each of counts 1s-5s, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons' 500 Hour Residential Drug Abuse Program. The court also recommends that the defendant participate in mental health treatment, if available at designated Bureau of Prisons' facility. Defendant is placed on supervised release for a term of 8 years on each of counts 1s-4s, to run concurrently with each other. 3 years on count 5s, to run concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived.

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POSSESSION WITH THE INTENT TO  
DISTRIBUTE AND DISTRIBUTION OF  
COCAINE BASE, 21:841A=CD.F  
(3s-4s)

count 5s, to run concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived.

POSSESSION OF AMMUNITION BY A  
CONVICTED FELON, 18:922G.F  
(5s)

120 months on each of counts 1s-5s, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons' 500 Hour Residential Drug Abuse Program. The court also recommends that the defendant participate in mental health treatment, if available at designated Bureau of Prisons' facility. Defendant is placed on supervised release for a term of 8 years on each of counts 1s-4s, to run concurrently with each other. 3 years on count 5s, to run concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the



ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

POSSESSION WITH THE INTENT TO  
 DISTRIBUTE AND DISTRIBUTION OF  
 COCAINE BASE, 21:841A=CD.F

(1)

POSSESSION WITH THE INTENT TO  
 DISTRIBUTE AND DISTRIBUTION OF  
 COCAINE, 21:841A=CD.F

(2)

POSSESSION WITH THE INTENT TO  
 DISTRIBUTE AND DISTRIBUTION OF  
 COCAINE BASE, 21:841A=CD.F

(3-4)

**Disposition**

Dismissed on government's motion

Dismissed on government's motion

Dismissed on government's motion

**Highest Offense Level (Terminated)**

Felony

**Complaints**





None

**Disposition**

**Plaintiff**

USA

represented by **Paul Smyth**  
 U.S. Attorney's Office  
 1550 Main St.  
 Springfield, MA 01103  
 413-785-0106  
 Email: paul.smyth@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/09/2005		Case sealed as to Eduardo Pagan (Healy, Bethaney) (Entered: 06/13/2005)
06/09/2005		SEALED INDICTMENT as to Eduardo Pagan (1) count(s) 1, 2, 3-4. (Attachments: # <u>1</u> JS-45 Form) (Healy, Bethaney) (Entered: 06/13/2005)
06/09/2005		MOTION to Seal Case as to Eduardo Paganby USA. (Healy, Bethaney) (Entered: 06/13/2005)
06/15/2005		Arrest of Eduardo Pagan (Healy, Bethaney) (Entered: 06/16/2005)

06/15/2005	3	ORAL MOTION to Unseal Case as to Eduardo Paganby USA. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	4	Magistrate Judge Kenneth P. Neiman. ORALORDER granting [] Oral Motion to Unseal Case as to Eduardo Pagan (1), ENTERED, cc:cl. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	5	Case unsealed as to Eduardo Pagan (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	6	Attorney update in case as to Eduardo Pagan. Attorney Paul Smyth for USA added. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	7	Arrest Warrant Returned Executed on 6/15/05. as to Eduardo Pagan. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	8	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) and Defendant appear for Initial Appearance as to Eduardo Pagan held on 6/15/2005. Deft advised of rights and requests appt of counsel. Court appts Atty Astor to prepresent him. Govt is seeking detention. Deft detained pending hearing on 6/16/05 at 2:30 p.m. (Court Reporter FTR.) (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	9	Magistrate Judge Kenneth P. Neiman. ORDER OF TEMPORARY DETENTION as to Eduardo Pagan ENTERED, cc:cl. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	10	Magistrate Judge Kenneth P. Neiman. SCHEDULING ORDER as to Eduardo Pagan ENTERED, cc:cl. Initial Status Conference set for 8/3/2005 at 03:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; joint mem by 8/1/05. (Healy, Bethaney) (Entered: 06/16/2005)
06/15/2005	11	Attorney update in case as to Eduardo Pagan. Attorney Robert H. Astor for Eduardo Pagan added. (Healy, Bethaney) (Entered: 06/16/2005)
06/16/2005	12	Clerk forwarded a copy of the 6/15/05 Scheduling Order to counsel for Defendant, Robert Astor. After electronically filing the Order, the clerk noticed Defendant's counsel had not yet been added to the docket. (Healy, Bethaney) (Entered: 06/16/2005)
06/16/2005	13	MOTION for Detention as to Eduardo Paganby USA. (Healy, Bethaney) (Entered: 06/20/2005)
06/16/2005	14	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) and Defendant appear for Detention Hearing as to Eduardo Pagan held on 6/16/2005. Arguments heard. Court orders Deft detained pending trial. Counsel may file a motion to revisit the issue at a later date when a package of conditions of release can be proposed to the court. (Court Reporter FTR.) (Healy, Bethaney) (Entered: 06/20/2005)
06/21/2005	15	MOTION to Reconsider detention status as to Eduardo Pagan. (Lindsay, Maurice) (Entered: 06/21/2005)
06/29/2005	16	Judge Kenneth P. Neiman : Electronic ORDER entered granting 7 Government's Motion for Detention and denying 8 Defendant's Motion for Reconsideration for the reasons stated in open court. (Neiman, Kenneth) (Entered: 06/29/2005)
07/15/2005	17	Magistrate Judge Kenneth P. Neiman. ORDER entered. CJA 20 as to Eduardo Pagan: Appointment of Attorney Robert H. Astor for Eduardo Pagan. (Healy,
















		Bethaney) (Entered: 07/15/2005)
07/29/2005	<a href="#"><u>10</u></a>	NOTICE of Change of Attorney's Address by Atty. Robert Astor, as to Eduardo Pagan. (Lindsay, Maurice) (Entered: 07/29/2005)
08/03/2005	<a href="#"><u>11</u></a>	STATUS REPORT by USA as to Eduardo Pagan (Smyth, Paul) (Entered: 08/03/2005)
08/11/2005	<a href="#"><u>9</u></a>	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) appear for Initial Status Conference as to Eduardo Pagan held on 8/11/2005. Colloquy re: status of discovery. Deft makes oral motion to allow transport of Defendant to the courthouse so that he can review evidence. Court allows request. Scheduling Order to issue. (Court Reporter FTR.) (Healy, Bethaney) (Entered: 08/11/2005)
08/11/2005	<a href="#"><u>12</u></a>	Magistrate Judge Kenneth P. Neiman. SCHEDULING ORDER as to Eduardo Pagan ENTERED, cc:cl. Interim Status Conference set for 9/28/2005 at 12:45 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; joint memo by 9/26/05. (Healy, Bethaney) (Entered: 08/11/2005)
08/11/2005	<a href="#"><u>13</u></a>	Magistrate Judge Kenneth P. Neiman. INTERIM STATUS REPORT as to Eduardo Pagan cc:cl. (Healy, Bethaney) (Entered: 08/11/2005)
08/11/2005	<a href="#"><u>14</u></a>	Magistrate Judge Kenneth P. Neiman. ORDER ON EXCLUDABLE DELAY as to Eduardo Pagan ENTERED, cc:cl. Time excluded from June 15, 2005 until August 2, 2005. (Healy, Bethaney) (Entered: 08/11/2005)
08/11/2005	<a href="#"><u>9</u></a>	ORAL MOTION (made in open court) for Order that Defendant be transported to the U.S. Marshal's Service for review of discovery materials as to Eduardo Pagan. (Healy, Bethaney) (Entered: 08/11/2005)
08/11/2005	<a href="#"><u>9</u></a>	Magistrate Judge Kenneth P. Neiman. ORAL ORDER granting <input type="checkbox"/> ORAL MOTION (made in open court) for Order that Defendant be transported to the U.S. Marshal's Service for review of discovery materials as to Eduardo Pagan (1), ENTERED. ALLOWED. The Marshal's Service shall make arrangements with Defendant's counsel for transport of Defendant. (Healy, Bethaney) (Entered: 08/11/2005)
09/27/2005	<a href="#"><u>15</u></a>	Assented to MOTION to Continue <i>Status Conference</i> to October 26, 2005 as to Eduardo Paganby USA. (Smyth, Paul) (Entered: 09/27/2005)
09/28/2005	<a href="#"><u>9</u></a>	Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <a href="#"><u>15</u></a> Motion to Continue Status Conference as to Eduardo Pagan (1), ENTERED, cc:cl. ALLOWED. The status conference is continued to October 26, 2005, at 2:00 p.m. in Courtroom Three. The parties shall file their joint memorandum by no later than October 24, 2005. So ordered. (Healy, Bethaney) (Entered: 09/28/2005)
09/29/2005	<a href="#"><u>16</u></a>	Dft's MOTION to Reconsider Detention Status as to Eduardo Pagan. (Attachments: # <a href="#"><u>1</u></a> Proposed Conditions of Release)(Lindsay, Maurice) (Entered: 09/29/2005)
10/03/2005	<a href="#"><u>17</u></a>	SEALED EX-PARTE MOTION and AFFIDAVIT in support as to Eduardo Pagan. (Lindsay, Maurice) (Entered: 10/03/2005)
10/03/2005	<a href="#"><u>9</u></a>	NOTICE OF HEARING as to Eduardo Pagan, ISSUED, cc:cl. Bail Review Hearing set for 10/6/2005 at 1:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 10/03/2005)



10/05/2005	●	Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting [17] Sealed Motion as to Eduardo Pagan (1), ENTERED, cc:cl. (Healy, Bethaney) (Entered: 10/05/2005)
10/06/2005	●	Judge Kenneth P. Neiman : ElectronicORDER entered, after hearing, denying <u>16</u> Motion for Reconsider Detention Status as to Eduardo Pagan (1) for the reasons stated in court this day. (Neiman, Kenneth) (Entered: 10/06/2005)
10/06/2005	●	ElectronicClerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) appear for Motion Hearing as to Eduardo Pagan held on 10/6/2005 re <u>16</u> MOTION for Reconsideration re Detention Hearing. Arguments heard. Motion denied. Deft to remain in custody. (Healy, Bethaney) (Entered: 10/06/2005)
10/13/2005	● <u>18</u>	REMARK: Request for reconsideration appealing U.S. Magistrate Judge decision and request for hearing as to Eduardo Pagan: (Lindsay, Maurice) (Entered: 10/13/2005)
10/17/2005	●	NOTICE TO COUNSEL as to Eduardo Pagan: REQUEST FOR HEARING GRANTED (DKT 18) HEARING SET FOR 10/21/05 AT 10:00 A.M. BEFORE PONSOR, USDJ (Marshals notified and confirmed) (French, Elizabeth) (Entered: 10/17/2005)
10/19/2005	● <u>19</u>	Magistrate Judge Kenneth P. Neiman. MEMORANDUM and ORDER as to Eduardo Pagan re <u>16</u> MOTION for Reconsideration of Detention Status, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 10/19/2005)
10/21/2005	●	ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor Appeal of detention order as to Eduardo Pagan held on 10/21/2005 - Order of detention to remain as set by Magistrate Judge Neiman; Defendant detained pending trial (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 10/24/2005)
10/24/2005	● <u>20</u>	STATUS REPORT by USA as to Eduardo Pagan (Smyth, Paul) (Entered: 10/24/2005)
10/26/2005	● <u>21</u>	JOINT MEMORANDUM (signed by the parties in court) of the parties re initial status conference by U.S.A. and Eduardo Pagan (Healy, Bethaney) (Entered: 10/27/2005)
10/26/2005	●	ElectronicClerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) appear for Status Conference as to Eduardo Pagan held on 10/26/2005. Scheduling Order and Status Report to issue. (Healy, Bethaney) (Entered: 10/27/2005)
10/27/2005	● <u>22</u>	Magistrate Judge Kenneth P. Neiman. INTERIM SCHEDULING ORDER as to Eduardo Pagan ENTERED, cc:cl. Final Status Conference set for 12/8/2005 at 12:30 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; joint memo by 12/6/05. (Healy, Bethaney) (Entered: 10/27/2005)
10/27/2005	● <u>23</u>	Magistrate Judge Kenneth P. Neiman. INTERIM STATUS REPORT as to Eduardo Pagan, cc:cl. (Healy, Bethaney) (Entered: 10/27/2005)
12/07/2005	● <u>24</u>	STATUS REPORT by USA as to Eduardo Pagan (Smyth, Paul) (Entered: 12/07/2005)
12/08/2005	● <u>25</u>	SUPERSEDING INDICTMENT as to Eduardo Pagan (1) count(s) 1s, 2s, 3s-4s, 5s. (Attachments: # <u>1</u> JS45 Form) (Healy, Bethaney) (Entered: 12/13/2005)



12/13/2005	●	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Smyth and Astor) appear for Arraignment on Superseding Indictment as to Eduardo Pagan (1) Count 1s,2s,3s-4s,5s held on 12/13/2005. Deft pleads not guilty to charges. Status Conference held. Scheduling Order to issue. (Digital Recording #FTR.) (Healy, Bethaney) (Entered: 12/14/2005)
12/13/2005	26 ●	Magistrate Judge Kenneth P. Neiman. SCHEDULING ORDER as to Eduardo Pagan ENTERED, cc:cl. Final Status Conference set for 1/20/2006 at 2:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; joint memo by 1/18/06. (Healy, Bethaney) (Entered: 12/14/2005)
12/13/2005	27 ●	Magistrate Judge Kenneth P. Neiman. STATUS REPORT as to Eduardo Pagan ISSUED, cc:cl. (Healy, Bethaney) (Entered: 12/14/2005)
12/16/2005	28 ●	MOTION for Excludable Delay from December 8, 2005 to January 20, 2006 as to Eduardo Pagan by USA. (Smyth, Paul) (Entered: 12/16/2005)
01/05/2006	●	Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting 28 Motion for Excludable Delay from 12/8/05 to 1/20/06 as to Eduardo Pagan (1), ENTERED, cc:cl. (Healy, Bethaney) (Entered: 01/05/2006)
01/05/2006	29 ●	Magistrate Judge Kenneth P. Neiman. ORDER ON EXCLUDABLE DELAY as to Eduardo Pagan, ENTERED, cc:cl. Time excluded from 12/08/05 until 01/20/06. (Healy, Bethaney) (Entered: 01/05/2006)
01/20/2006	30 ●	STATUS REPORT by USA as to Eduardo Pagan (Smyth, Paul) (Entered: 01/20/2006)
01/20/2006	31 ●	Judge Kenneth P. Neiman : ORDER entered. FINAL STATUS REPORT as to Eduardo Pagan entered. All discovery has been completed. Initial Pretrial Conference set for 2/9/2006 at 03:30 PM in Courtroom 1 before Judge Michael A Ponsor; cc/cl. (Finn, Mary) (Entered: 01/20/2006)
01/20/2006	●	Electronic Clerk's Notes for proceedings held before Judge Kenneth P. Neiman : Status Conference as to Eduardo Pagan held on 1/20/2006 Initial Pretrial Conference set for 2/9/2006 03:00 PM in Courtroom 1 before Judge Michael A Ponsor. (Digital Recording #CD.) (Stuckenbruck, John) (Entered: 01/23/2006)
01/24/2006	●	NOTICE of Correction: Initial Pretrial Conference before District Judge Ponsor is set for 2/9/06 at 3:00 p.m. (Healy, Bethaney) (Entered: 01/24/2006)
02/09/2006	●	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor : Pretrial Conference as to Eduardo Pagan held on 2/9/2006. Case to be transferred to Boston for reassignment. Order to issue. (Court Reporter Alice Moran.) (Stuckenbruck, John) (Entered: 02/09/2006)
02/09/2006	32 ●	Judge Michael A Ponsor : Electronic ORDER OF TRANSFER entered: Case transferred to Boston for reassignment as to Eduardo Pagan (French, Elizabeth) (Entered: 02/09/2006)
02/09/2006	●	Intradistrict Transfer to the Eastern or Central Division as to Eduardo Pagan. Original file and docket sheet forwarded to Ginny Hurley, United States District Court, One Courthouseway, Ste. 2300, Boston MA 02210 to be randomly re-drawn in the Eastern or Central Division. (Finn, Mary) (Entered: 02/09/2006)
02/09/2006	●	Case as to Eduardo Pagan no longer referred to Magistrate Judge Kenneth P.

		Neiman. (Finn, Mary) (Entered: 02/09/2006)
02/13/2006		Judge update in case as to Eduardo Pagan. Judge George A. O'Toole, Jr added. Judge Michael A Ponsor no longer assigned to case. (Hurley, Virginia) (Entered: 02/13/2006)
02/13/2006	 33	NOTICE re Judge Reassignment (Attachments: # <u>1</u> ECF Notice)(Hurley, Virginia) (Entered: 02/13/2006)
02/13/2006		NOTICE OF HEARING as to Eduardo Pagan Pretrial Conference set for 2/21/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 02/13/2006)
02/13/2006		Intradistrict Transfer from Western Division as to Eduardo Pagan. (Hurley, Virginia) (Entered: 03/03/2006)
02/21/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Eduardo Pagan held on 2/21/2006. Defendant to file a motion to have the drugs weighed. Status Conference set for 4/10/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between 2/21/06 and 4/10/06 is excluded in the interest of justice(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 02/21/2006)
03/28/2006	 34	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Eduardo Pagan (Smyth, Paul) (Entered: 03/28/2006)
04/05/2006	 35	Assented to MOTION for Hearing <i>on Section 851 Enhancement</i> as to Eduardo Pagan. (Astor, Robert) (Entered: 04/05/2006)
04/06/2006	 36	Joint MOTION to Continue <i>Status Conference</i> to 05/08/2006 as to Eduardo Pagan. (Astor, Robert) (Entered: 04/06/2006)
04/06/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>36</u> Motion to Continue as to Eduardo Pagan (1) Status Conference set for 5/10/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 04/06/2006)
05/05/2006	 37	Response as to Eduardo Pagan: <u>34</u> Information to Establish Prior Conviction filed by USA,. (Astor, Robert) (Entered: 05/05/2006)
05/05/2006	 38	Joint MOTION to Continue to 06/07/2006 to Status Conference as to Eduardo Pagan. (Astor, Robert) (Entered: 05/05/2006)
05/08/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>38</u> Motion to Continue as to Eduardo Pagan (1) Status Conference set for 6/7/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr..Please mark your calendars accordingly. (Lyness, Paul) (Entered: 05/08/2006)
06/06/2006	 39	MOTION for Authorization of Services or Funds <i>to Retain Connecticut Attorney</i> as to Eduardo Pagan. (Attachments: # <u>1</u> Affidavit In Support of Motion for Funds)(Astor, Robert) (Entered: 06/06/2006)
06/07/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting in open court <u>39</u> Motion for Authorization of Services or Funds as to Eduardo Pagan (1) (Lyness, Paul) (Entered: 06/07/2006)
06/07/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Eduardo Pagan held on 6/7/2006 Jury Trial set for



		11/6/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 10/26/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Status Conference set for 8/7/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between now and 11/6/06 is excluded in the interest of justice. Defendant is continued Remanded. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 06/07/2006)
06/29/2006	40	MOTION for Hearing on <i>Government's Filing Pursuant to 21 U.S.C. Section 851</i> as to Eduardo Pagan. (Astor, Robert) Additional attachment(s) added on 7/31/2006 (Edge, Eugenia). (Entered: 06/29/2006)
07/07/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 35 Motion for Hearing as to Eduardo Pagan (1); granting 40 Motion for Hearing as to Eduardo Pagan (1) (Lyness, Paul) (Entered: 07/07/2006)
07/07/2006		REMARK as to Eduardo Pagan: Counsel to argue the motion for Section 851 Enhancement at the status conference, currently scheduled for August 7, 2006 at 2:00pm. Defendant's brief due by 7/24/06; Government's brief due by 7/31/06. (Lyness, Paul) (Entered: 07/07/2006)
07/24/2006	41	MEMORANDUM in Support by Eduardo Pagan re 40 MOTION for Hearing on <i>Government's Filing Pursuant to 21 U.S.C. Section 851</i> (Attachments: # 1 Exhibit # 2 Affidavit)(Astor, Robert) Additional attachment(s) added on 7/31/2006 (Edge, Eugenia). (Entered: 07/24/2006)
07/27/2006		Please note: All proceedings before Judge O'Toole for the week of Monday, August 7, 2006 thru Friday August 11, 2006 will be heard in COURTROOM # 4. as to Eduardo Pagan. (Edge, Eugenia) (Entered: 07/27/2006)
08/03/2006	42	MOTION for Leave to File <i>the Government's Response to Dkt. # 40 Three Days Late</i> as to Eduardo Paganby USA. (Smyth, Paul) (Entered: 08/03/2006)
08/03/2006	43	MEMORANDUM in Support by USA as to Eduardo Pagan re 40 MOTION for Hearing on <i>Government's Filing Pursuant to 21 U.S.C. Section 851</i> (Smyth, Paul) (Entered: 08/03/2006)
08/07/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 42 Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures as to Eduardo Pagan (1) (Lyness, Paul) (Entered: 08/07/2006)
08/07/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Evidentiary Hearing as to Eduardo Pagan held on 8/7/2006. The court held a hearing on defendant's Response ( dkt #37) to the government's Information to Establish Prior Conviction ( dkt #34). Defendant Eduardo Pagan takes the stand to give testimony. At the completion of the hearing. the court finds that the government can seek a Sentence Enhancement for Prior Drug Conviction, for the reasons stated on the record. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 08/07/2006)
09/14/2006	0	Notice of correction to docket made by Court staff. Correction: document 44 notice of appearance of Todd Newhouse deleted. corrected because: document docketed in the wrong case. as to Eduardo Pagan (Finn, Mary) Modified on 9/14/2006 (Finn, Mary). Modified on 9/14/2006 (Finn, Mary). Modified on 9/14/2006 to correct spelling of "deleted". (Finn, Mary). (Entered: 09/14/2006)



10/04/2006	●	ELECTRONIC NOTICE OF HEARING as to Eduardo Pagan Change of Plea Hearing set for 10/17/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 10/04/2006)
10/04/2006	●	Terminate Deadlines and Hearings as to Eduardo Pagan: (Lyness, Paul) (Entered: 10/04/2006)
10/17/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Change of Plea Hearing as to Eduardo Pagan held on 10/17/2006, Gov't- Paul Smyth; Deft. Robert Astor; Interpreter: Patricia Bluestein. Plea entered by Eduardo Pagan (1) Guilty Count 1s,2s,3s-4s,5s. PSR Ordered. Defendant continued Remanded. (Court Reporter Marcia Patrisso.) (Lyness, Paul) (Entered: 10/17/2006)
10/17/2006	44	Judge George A. O'Toole Jr.: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Eduardo Pagan Sentencing set for 1/24/2007 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 10/17/2006)
10/25/2006	●	Terminate Deadlines and Hearings as to Eduardo Pagan: (Lyness, Paul) (Entered: 10/25/2006)
01/18/2007	45	SENTENCING MEMORANDUM by Eduardo Pagan (Attachments: # 1 Exhibit # 2 Exhibit)(Astor, Robert) (Entered: 01/18/2007)
01/24/2007	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Sentencing held on 1/24/2007 for Eduardo Pagan (1), Count(s) 1s, 2s, 3s-4s, 5s, 120 months on each of counts 1s-5s, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons' 500 Hour Residential Drug Abuse Program. The court also recommends that the defendant participate in mental health treatment, if available at designated Bureau of Prisons' facility. Defendant is placed on supervised release for a term of 8 years on each of counts 1s-4s, to run concurrently with each other. 3 years on count 5s, to run concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 01/25/2007)
01/25/2007	46	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT as to Eduardo Pagan (1), Count(s) 1s, 2s, 3s-4s, 5s, 120 months on each of counts 1s-5s, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons' 500 Hour Residential Drug Abuse Program. The court also recommends that the defendant participate in mental health treatment, if available at designated Bureau of Prisons' facility. Defendant is placed on supervised release for a term of 8 years on each of counts 1s-4s, to run concurrently with each other. 3 years on count 5s, to run

		concurrently with the period of supervised release on counts 1s-4s. Defendant shall cooperate in collection of DNA; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment; The defendant is to participate in a mental health treatment program as directed by the Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment. Defendant is assessed \$500.00. The fine has been waived. (Lyness, Paul) (Entered: 01/25/2007)
01/25/2007	<u>47</u>	MOTION to Dismiss <i>Original Indictment</i> as to Eduardo Paganby USA. (Smyth, Paul) (Entered: 01/25/2007)
01/25/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>47</u> Motion to Dismiss as to Eduardo Pagan (1) (Lyness, Paul) (Entered: 01/25/2007)
01/25/2007	<u>48</u>	NOTICE OF APPEAL by Eduardo Pagan NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 2/14/2007. (Astor, Robert) (Entered: 01/25/2007)
02/07/2007	<u>49</u>	Magistrate Judge Kenneth P. Neiman. CJA-20 ORDER Re: Appointment of Robert Astor nunc pro tunc 6/15/05 ENTERED, cc:cl. (Healy, Bethaney) (Entered: 02/07/2007)
02/07/2007	<u>50</u>	MOTION to Withdraw as Appellate Attorney by Robert Astor. as to Eduardo Pagan. (Edge, Eugenia) (Entered: 02/08/2007)
02/07/2007	<u>51</u>	MOTION for Leave to Appeal In Forma Pauperis as to Eduardo Pagan. (Edge, Eugenia) (Entered: 02/08/2007)
02/07/2007	<u>52</u>	MOTION to Appoint Counsel for Appeal as to Eduardo Pagan. (Edge, Eugenia) Additional attachment(s) added on 2/8/2007 (Edge, Eugenia). (Entered: 02/08/2007)
02/09/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>50</u> Motion to Withdraw as Attorney. as to Eduardo Pagan (1); granting <u>51</u> Motion for Leave to Appeal In Forma Pauperis as to Eduardo Pagan (1) (Lyness, Paul) (Entered: 02/09/2007)